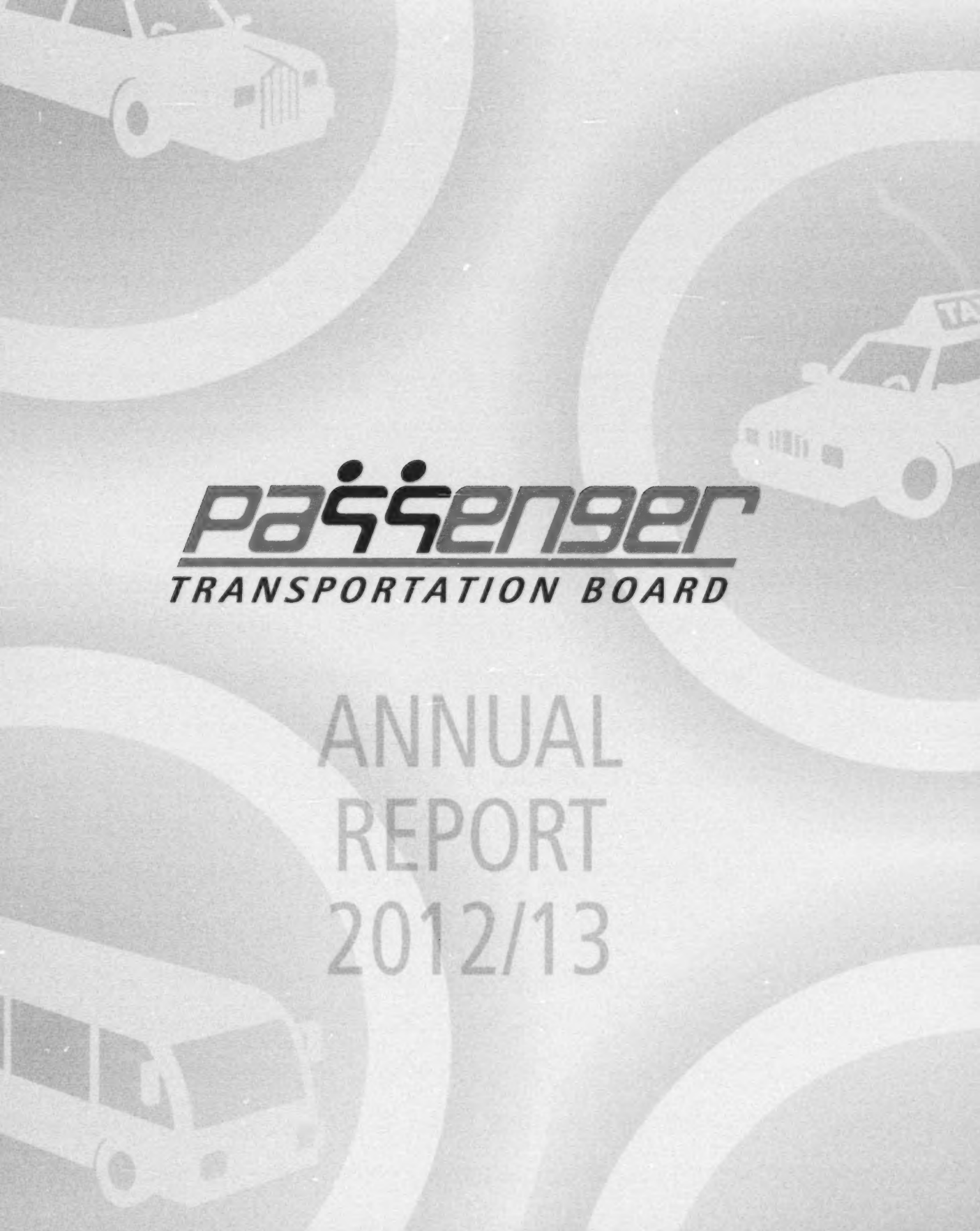


passenger TRANSPORTATION BOARD

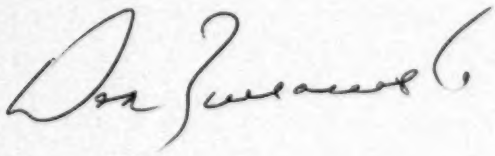
ANNUAL REPORT 2012/13

September 28, 2013

Honourable Todd Stone
Minister of Transportation & Infrastructure
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Minister Stone:

I am pleased to present the eighth Annual Report from the Passenger Transportation Board. The Report was prepared using the guidelines in the *Memorandum of Understanding* between the Passenger Transportation Board and the Ministry of Transportation and Infrastructure. The Report covers the period from April 1, 2012 to March 31, 2013.



Don Zurowski
Chair
Passenger Transportation Board

Contents

Message from the Chair	ii
Overview	1
Regulatory Framework	3
Highlights of Activities & Accomplishments in 2012/13	5
Application and Licensing Matters	10
Performance Measures 2012/13	16
Appendices	19

MESSAGE FROM THE CHAIR

I am pleased to present the eighth Annual Report of the Passenger Transportation Board (Board) for the year ended March 31, 2013.

The Board is an independent tribunal established under the *Passenger Transportation Act*. Board functions include: making decisions on applications for taxis, limousines, small vans and inter-city buses; and hearing appeals on administrative penalties imposed by the Registrar of Passenger Transportation. The majority of the Board's work involves making decisions on applications.

Importantly the Board is committed to continual improvement, giving thoughtful, progressive consideration to changing trends and public need in the sector that we regulate. The Board strives for efficiency and administrative fairness in all our processes.

We are a small, yet industrious team that normally operates with 5 part time Board members, including myself, and are supported by 4 full-time staff.

This was a year of change at the Passenger Transportation Board. Board member Tracy Gray's appointment term and subsequent extension expired April 30, 2012. This resulted in us operating the first half of 2012/13 with 4 part-time members. Tracy was an engaged, experienced and conscientious Board member, and

I appreciate her important contribution to our board. However, change creates new opportunity. Spencer Mikituk was appointed March 29, 2012, and has become a valuable member of the team, especially with his background in aviation and associated regulatory boards. We were pleased when a fifth Board member, Roger Leclerc, was appointed in November 2012. Roger is a longtime resident of Terrace, B.C. and has extensive experience in the public and private sectors. I welcome his experience and perspective to the board.

The Board had 6 meetings in 2012/13, with full member attendance. Meetings focus on policy, projects and consideration of emerging issues in the industry. Independent of Board meetings, Board panels render decisions on applications. I generally assign

files to a single Board member. When files are exceptionally complex or of broad public interest, I may assign the file to more than one Board member.

This report highlights some of our accomplishments, initiatives and performance. In 2012/13, the Board received 219 applications. Approximately 95% of these applications were decided based on information in the application file. The balance were decided after the Board sought more information from the applicant, submitters, Registrar or other person.

Increasingly the Board is receiving larger and exceptionally complex applications that are of broad public interest. For example, the *Licence Application Decisions on Peak Period Taxi Service in the City of Vancouver* (the "Omnibus Decision"), was made up of 2 sets of common applications and 21 applications in total. It resulted in the Board approving an additional 137 taxis in total to operate in the Downtown Vancouver Entertainment District on weekend evenings when demand for taxis peaks and many taxi patrons are destined for areas outside the City of Vancouver. The 137 taxis were a combination of 38 vehicles from existing taxi fleets operated by companies in Metro Vancouver, outside Vancouver proper and a further 99 vehicles additional vehicles operated by taxi companies operating in the City of Vancouver.

The Board rendered 6 decisions on related applications from drivers or drivers' organizations who want to provide taxi service in Vancouver on weekend evenings and other high demand days (peak periods). The applicants applied for a combined total of 186 vehicles. The applications were considered after those in the Omnibus and were refused.

The year further included an inter-city bus application from Greyhound Transportation Canada ULC that affected the majority of its routes in the province. The Board's approval of the application resulted in Greyhound maintaining service in the Province albeit with a reduction in minimum route frequency on 15 routes and the elimination of 1 route to a ski resort.

The Board completed a number of projects in this reporting period.

I was very pleased to sign a revised Memorandum of Understanding with the (then) Minister of Transportation and Infrastructure that sets out arrangements and understandings concluded in good faith, between the Minister and the Chair.

In 2012/13, with the support of a consultant, the Board evaluated the methodology of its Taxi Cost Index (TCI). This provided the Board with ways to make the TCI even more effective and has resulted in the elimination of duplication. With minor

adjustments to the TCI, the Board is able to eliminate Taxi Fuel Surcharges.

Board staff completed the license district conversion project. Terms and conditions of licence are now current, relevant and clearly set out a licensee's operating area. This is consistent with our plain language guidelines and will result in a better understanding of licences by applicants, licensees and stakeholders.

The Board introduced a new streamlined Festive Season Temporary Operating Permits application process, making it easier for taxi companies to expand their fleet during a traditionally busy time period.

I look forward to another productive, progressive year with the Passenger Transportation Board. Our revised strategic plan will direct our policy and project work. For example, a new initiative, the Taxi Standards Project, will benefit both the Board and the taxi industry. The Board will benefit from the receipt of relevant and timely data with applications, and the industry will achieve better business planning and customer satisfaction through establishing and monitoring performance standards.

The Board values input from its stakeholders. This includes stakeholder input the Board receives at its twice annual Passenger Transportation Advisory Committee meetings as well as their willingness to respond to surveys that result in policy changes is appreciated and valued. Equally the Board values and appreciates the input it receives from local governments and others with interest in a project or a service. This adds perspective to the decision making process.

On behalf of the Board members, I would like to acknowledge the Passenger Transportation Branch staff for their excellent cooperation. Although Board and Branch roles are different, cooperation is critical when fulfilling our mandates.

I will end by acknowledging the contributions of Board members and staff. Their enthusiasm, professionalism and dedication ensure that the goals and objectives of the Board are accomplished.

Overview

The Passenger Transportation Board is an independent tribunal. It is established under the *Passenger Transportation Act*. The Board has two functions:

(a) making decisions on applications for taxis, limousines, small vans and inter-city buses; and

(b) hearing appeals on administrative penalties imposed by the Registrar of Passenger Transportation

Of these two functions, most of the Board's work involves making decisions on applications.

As an administrative tribunal, the Board must ensure that its decisions are fair, consistent and transparent. To achieve this, the Board develops policies and procedures to guide its application and decision-making processes. The Board publishes its *Rules of Practice and Procedure and Operational Policies*. The Board posts notice of applications and decisions on its website. Board members regularly discuss policies and emerging issues in the commercial passenger transportation industry. The Board maintains a comprehensive website that provides a variety of information to applicants, licensees and members of the public.

The Board has a three year Strategic Plan to guide its policy development, operational projects and governance work. All Board members and staff contribute to the plan and strive to accomplish the yearly performance measures. The plan is reviewed annually to ensure that the Board's work is relevant and accountable.

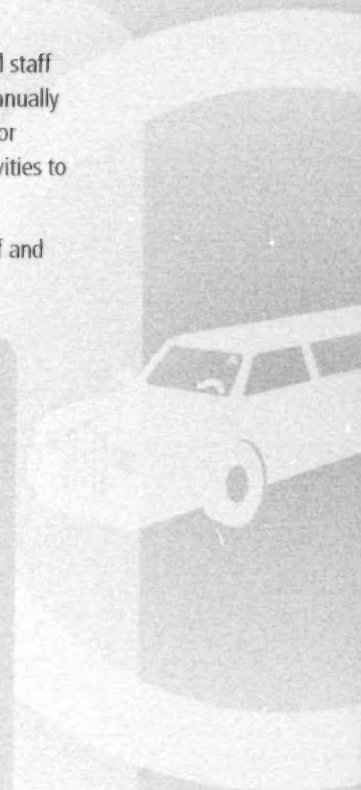
In carrying out its responsibilities, the Board continually seeks innovative ways to increase efficiency, respond to change and streamline its processes.

The Board often seeks stakeholder perspectives on new initiatives and policies. The Board responds to local government requests for information and occasionally provides presentations to them or community organizations.

The Board relies on the skills, expertise and quality of Board members and staff. Members are appointed by the Lieutenant Governor in Council, after a merit based process. Board staff are members of the public service of British Columbia.

Board members come from diverse backgrounds in business, commerce and government. They are commonly active in their communities and serve on various agencies or boards. All Board members and staff are committed to fostering a culture of professionalism, administrative fairness and good governance. Members and staff undergo performance evaluations annually and attend workshops, conferences or other professional development activities to increase their knowledge and skills.

Information on Board members, staff and budget is in Appendix 1.



BOARD MISSION

The mission of the Passenger Transportation Board is to make decisions pertaining to the commercial passenger transportation industry in a way that

- enables people throughout the province to access diverse, stable and competitive commercial passenger transportation, and
- promotes consistency and fairness in application decisions and enforcement measures

The Board will make its decisions in a timely, fair, consistent and open fashion, and will provide responsive and accurate information to applicants, licensees, submitters, agents, government representatives and members of the public.

BOARD VALUES

- ✓ Integrity – ethical, professional and honest conduct
- ✓ Fairness – just treatment and impartial decision-making
- ✓ Respect – treat all persons with courtesy and dignity
- ✓ Accountability – transparency in processes, policies and conduct
- ✓ Responsiveness – timely, effective actions and communications

Board Goals and Objectives are set out in Appendix 2

Regulatory Framework

The Passenger Transportation Board is an administrative tribunal created under the *Passenger Transportation Act* (PTA).

Administration of the PTA is a joint responsibility of the Passenger Transportation Board and the Registrar/ Passenger Transportation Branch of the Ministry of Transportation and Infrastructure.

VEHICLES & LICENCE AUTHORIZATIONS

The PTA sets out the framework for licensing commercial passenger vehicles. There are two types of licences: general authorization (GA) licences and special authorization (SA) licences.

The Registrar of Passenger Transportation makes decisions on applications for GA licences. GA operators have greater operational freedom than SA operators.

There is no public need or other economic regulation test for GA licenses—the focus of licensing is on safety. GA licensees may operate anywhere in the province with any number of vehicles and set their own rates. GA vehicles include large charter and sightseeing buses as well as stretch SUV limousines.

The Passenger Transportation (PT) Board makes decisions on applications for SA licences. There are two types of special authorizations: (a) passenger directed vehicles and (b) inter-city buses. Passenger directed vehicles include taxis, limousines and small shuttle vans. Inter-city buses are private commercial carriers that operate between cities on a schedule and over regular routes.

The chart below shows the different licensing streams under the PTA.

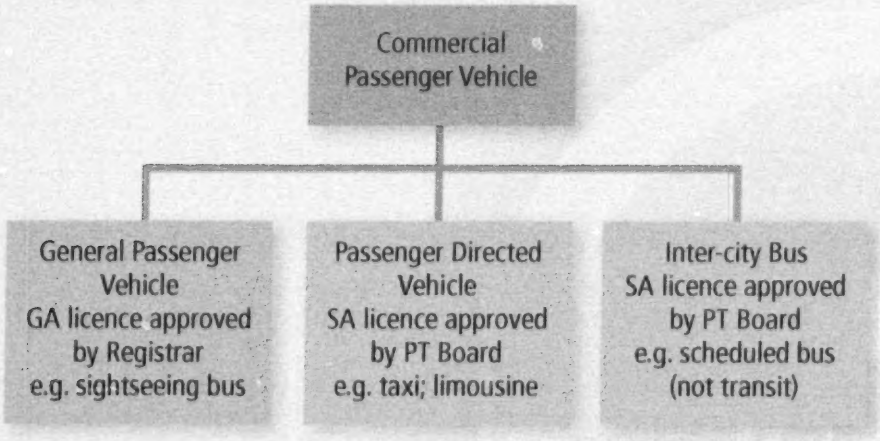

Commercial Passenger Vehicle
General Passenger Vehicle GA licence approved by Registrar e.g. sightseeing bus
Passenger Directed Vehicle SA licence approved by PT Board e.g. taxi; limousine
Inter-city Bus SA licence approved by PT Board e.g. scheduled bus (not transit)

Figure 1: Commercial Passenger Vehicle Licensing

SA LICENCE APPROVALS

The Passenger Transportation Board may approve applications for a Special Authorization licence if it considers[1]:

1. There is a public need for the service
2. The applicant is fit and proper and capable of providing the service
3. The application promotes sound economic conditions in the transportation business

If an application is approved, the Board sets terms and conditions for a license.

Examples of terms and conditions include:

- Passenger pick-up and drop off areas for taxis and limousines
- Maximum fleet size for taxis and limousines
- Minimum route frequencies for inter-city buses

The Board also approves rates for passenger directed vehicles.

If the Board approves an application, the Registrar of Passenger Transportation issues a licence when safety requirements are met.

ENFORCEMENT AND COMPLIANCE

The Registrar works with Commercial Vehicle and Safety Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers. Peace officers may also issue tickets for violations of the Act. The Registrar may impose administrative penalties on licensees.

The Board hears appeals of administrative penalties imposed by the Registrar.

Appendix 3 is a diagram of the licensing process for commercial passenger vehicles.

Appendix 4 outlines the responsibilities of the Registrar and the Board.

Appendix 5 defines the terms "inter-city bus" and "passenger directed vehicle".

1 For applications to transfer a licence, the Board considers applicant fitness only

Highlights of Activities and Accomplishments in 2012/13

PROJECTS COMPLETED

1. Taxi Cost Index (TCI)

a) TCI Methodology Review Report

The Taxi Cost Index ("TCI") is an objective tool that the Passenger Transportation Board uses to identify rate increases for taxi companies in British Columbia.

In March 2012, the Board set the framework and hired a consultant to evaluate the methodology of the TCI against its goals of effectiveness, efficiency and fairness. The Board received the consultant's findings and six recommendations in August 2012. Before responding to these recommendations, the Board sought further consultation with its stakeholders, including a meeting with industry representatives.

In February 2013, the Board published a Report on Taxi Cost Index (TCI) Methodology. The report outlines the strengths of the TCI as identified by the consultant and discusses specific recommendations with respect to: minimum TCI increases; temporary fuel surcharges; timing of TCI implementation; regional TCI options; common rate areas; and rate uniformity. The report also notes some matters related to the weighting of the four TCI components.

The Board concluded that the TCI is an effective, efficient and fair approach to enabling periodic taxi rate increases in British Columbia. Appendix 6 summarizes Board decisions arising from the TCI Methodology Report.

b) Tax Cost Index

The Board approved a TCI increase of 1.9% in 2013. TCI is applied to base meter rates, exclusive of taxes. The increase coincided with a change in taxation rates. The actual meter rates, therefore, decreased by 5.1% in 2013. Taxi companies could opt out of TCI 2013. Table 1 outlines TCI components, weightings and costs changes in 2012.

Table 1: TCI Cost Changes in 2012 and Reflected in TCI 2013

TCI Component	TCI Weighting	Cost Changes in 2012
Wages	31%	2.02%
Fuel	19%	1.41%
Taxi Insurance	13%	5.19%
CPI	37%*	1.11%

* *CPI is adjusted to 80% to encourage business efficiencies and reduce duplication of fuel and other costs.*

2. Licence District Conversion Project

The Passenger Transportation Board completed its licence district conversion project. This involved re-writing terms and conditions of licences to eliminate references to outmoded licence districts. They were replaced with more meaningful descriptions such as highway corridors or regional districts. The changes affected about 100 passenger transportation licensees.

3. Festive Season Temporary Operating Permits

The Board introduced a new Festive Season Temporary Operating Permit (FS "TOP"). This is a streamlined process that makes it easier for taxi companies to expand their fleet in December and on New Year's Day, a traditionally busy time for taxi companies.

4. Strategic Plan Revisions

The Board revised its strategic plan in light of priorities and operational requirements.

To establish its priorities, the Board viewed its activities from two perspectives: core and complementary. Core activities directly relate to the Board's mandate of deciding licence and rate applications and hearing appeals from administrative penalties imposed by the Registrar. Complementary activities enhance, and may lead to changes in, core activities as well as contribute to a better understanding of the role of the Board by other agencies, communities and the public. Figure 2 below provides more details about these types of activities.

5. Governance

In November, 2012, the Minister and Chair signed a revised Memorandum of Understanding (MOU). The MOU delineates responsibilities, accountabilities and expectations. The MOU recognizes that the Board's decision-making must be exercised independently and the Board must be:

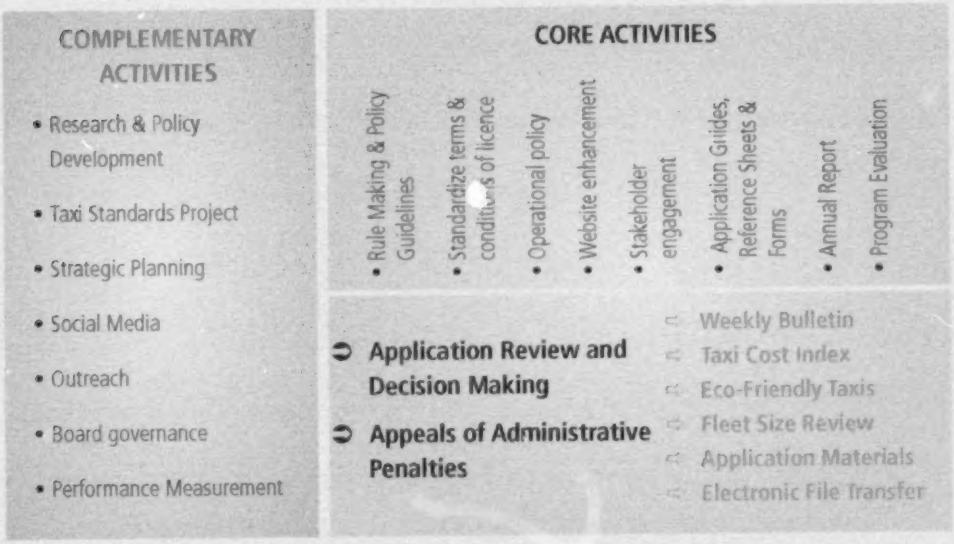
1. Provided with the human and financial resources reasonably necessary to carry out its mandate;
2. Given the opportunity to play a meaningful role in advising Government on any policy that affects the Board's mandate and activities; and
3. Accountable to the Minister for complying with applicable government administrative, financial and personnel management legislation, directives, orders and policies.

6. Policies and Rules

The Board has *Rules of Practice and Procedure*. These rules give applicants, licensees, submitters and others information on Board procedures relating to applications, oral hearings, reconsiderations and appeals.

The Board publishes Operational Policies. These give guidance to applicants, submitters and others on how the Board approaches certain situations. These policies cover such matters as written submissions, urgent public need requests and accessible taxis.

Figure 2: Core and Complementary Activities of the Passenger Transportation Board



In 2011/12, the *Rules* were updated to reflect streamlining initiatives for inter-city bus applications to amend minimum route frequencies. The operational policies were updated to remove references to licence districts and to update changes to the eco-friendly taxi, personal baggage and gift certificates policies.

In January 2013, the Board introduced a form for applicants who request reconsideration of their decision.

STAKEHOLDER ENGAGEMENT

1. Passenger Directed Vehicle Advisory Committee

The Passenger Directed Vehicle Advisory Committee, an initiative of the Board, promotes stakeholder engagement primarily on taxi matters. The committee met in April, 2012 and November, 2012. It is made up of people from the taxi industry, public transit, municipalities, persons with disabilities, the Vancouver International Airport Authority, the Passenger Transportation Branch and Passenger Transportation Board.

The Board and Branch representatives shared information on current activities and projects and responded to committee questions or comments. Industry and other committee representatives raised matters of concern to them, such as training for drivers of accessible taxi vans, enforcement and use of smartphone apps by unlicensed operators.

2. Surveys

(a) TCI

As part of its TCI methodology evaluation, in April 2012, the Board mailed all taxi licensees a survey about taxi rates and the TCI. We received about 52 responses representing 1500 taxis. The responses were analyzed by the consultant reviewing TCI methodology.

(b) Taxi Standards

In April 2012 the Board sent a survey to taxi companies that serve a community with 60,000 or more people. The purpose was for the Board to get a better understanding of how taxi companies collect and use dispatch data. The Board had a response rate of 20%. Results suggest that some licensees monitor dispatch data for both customer service and business management purposes; however there is considerable variation in how individual companies keep and use data.

3. Conferences and Workshops

The Chair of the Board is a participating member of the "Circle of Chairs". This group is comprised of chairs of administrative tribunals in British Columbia.

In May 2011, the Chair of the Board attended the Canadian Council of Administrative Tribunals conference *"Mapping New Frontiers: The Good, the Bad and the Ugly of Administrative Justice"* and the Director and Secretary to the Board attended the follow-up workshop on interpreting legislation.

In October 2012, a Board member attended the annual B.C. Council of Administrative Tribunals (BCCAT) conference. As well, a new Board member attended BCCAT's course on administrative justice for decision makers.

COMMUNICATIONS

1. Industry Advisories

In 2012/13, the Board issued 13 Industry Advisories or Updates on a variety of topics, including rates, policy initiatives, operational matters and smartphone apps and rates.

2. Weekly Bulletin

The *Weekly Bulletin* contains summaries of applications, hearing notices and final decisions of the Board. It was published every week except December 26, 2012.

LOOKING AHEAD TO 2013/14

1. Taxi Standards Project

The Passenger Transportation Board is initiating a Taxi Standards Project ("TSP") to get consistent data from companies and establish measurable taxi standards. Results from the taxi standards survey discussed above will provide preliminary insights into the project.

The Taxi Standards Project (TSP) will encourage taxi companies to provide the

Board with relevant and reliable data when applying for additional taxis. The Board can then make timely decisions based on reliable information that reflects changes and trends in an applicant's business as well as the community in which an applicant operates.

Another purpose is to encourage licensees to set measurable performance targets for their taxi operations and monitor performance against those standards. Promoting the use of standards and monitoring taxi operations should improve passenger satisfaction as well as better business planning for companies.

On March 27, 2013, the Board met with representatives of taxi associations to initiate discussion on the project. Feedback from that meeting will shape the direction of the project over the next year.

2. Evaluation of Minimum/Maximum Rates for Limousines in the Lower Mainland and CRD

In May, 2011, the Board published its *Rates and Rules for Limousines in the Lower Mainland and CRD*. This rule, effective July 1, 2011, gave limousine operators in the Lower Mainland and the CRD freedom to set and adjust their rates within minimum and maximum levels set by the Board. A standard set of rules govern when and how limousine rates are charged. This was a pilot project and the Board committed to evaluating it in 2013.

3. Taxi Cost Index – Components

Weightings of TCI cost components have not been reviewed since 2003. The Board will complete a review of TCI component weightings and related matters by Spring 2014 when it reviews TCI data for the 2013 calendar year.

4. Plain language Materials Review

The Board decided it would review its application guides, reference sheets and guides one year after they had been published to ensure material is current and make any changes identified.

5. Emerging Trends

The Board must keep informed about emerging trends in commercial passenger transportation and regulatory environments in order to develop timely and appropriate policies. Trending matters include: use of mobile or smartphone applications to obtain taxi or limousine services; front facing taxi cameras; performance standards and data; and inter-city bus service.

6. Operational Requirements

Operational requirements will continue to provide the focus for many Board activities. These include such matters as: processing applications; making decisions; responding to inquiries; publishing the weekly Bulletin and managing the budget and resources.

As stated, the Board's priority is adjudicating licensing applications and, from time to time, extra resources are required to complete this aspect of work in an effective and timely manner.

Application & Licensing Matters

GENERAL INFORMATION

The *Passenger Transportation Act* sets out two types of licence authorizations: Special Authorizations (SA); and General Authorizations (GAs).

Operators must have an SA licence to operate passenger directed vehicles or inter-city buses. The Passenger Transportation Board makes decisions on applications that relate to SA licences. These include:

- applications for new, transfers of, or amended licences for all SA vehicles, and
- additional vehicle applications as well as applications for changes to rates and rules for passenger directed vehicles.

The Board may approve applications for temporary operating permits (TOPs). These allow taxis and limousines and other passenger directed vehicles operators to increase their fleet size to respond to an urgent need on a short-term basis. Also, the Registrar may ask the Board to make a determination on whether a particular application is for a special authorization rather than a general authorization.

Board decisions are published in the Board's *Weekly Bulletin* and posted at the Board's website http://www.ptboard.bc.ca.

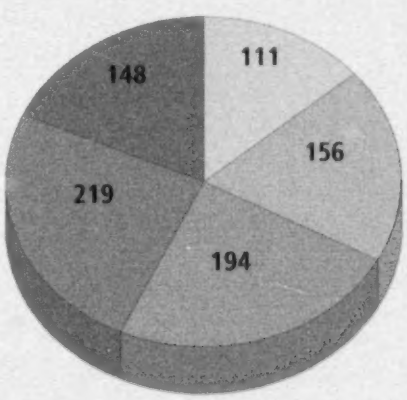
Two areas where the Board may be involved with a licensee after a decision has been made are: fleet size reviews and fitness reviews. The Board may decrease the fleet size of a licensee if it has consistently failed to operate its maximum number of vehicles. This only applies to operators of passenger directed vehicles.

The Board may review a licensee at any time to determine if it is fit and proper and capable of providing its transportation service.

APPLICATION MATTERS

In 2012/13, the Board received 219 applications. This is an increase over 2011/12. In this reporting period, all applications were decided.

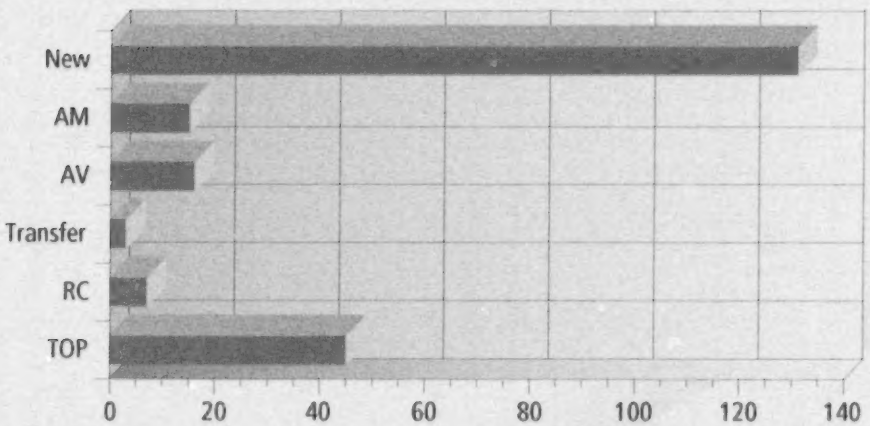
Total Applications Received for 5 Fiscal Years



In the following chart, application types are denoted as follows:

New	Application for a new SA licence
AM	Application to amend an existing licence
AV	Application to add more vehicles to a fleet of passenger directed vehicles
Transfer	Application to transfer a licence
RC	Application to change rates for a passenger directed vehicle service
TOP	Application for Temporary Operating Permits
SA Rq	Application sent by the Registrar for the Board to determine if an SA licence is required for the service the applicant proposes

Number of Applications by Type 2012-13



The number of new applications was higher than usual in 2012/13. This is attributable in part to the Board receiving 83 individual applications from members of a drivers association to operate peak period taxis in Vancouver on weekend evenings and special days. In addition to these, 5 other new applicants also applied to operate peak period taxis.

As well, in 2012 the Board published its omnibus decision, *Licence Application Decisions on Peak Period Taxi Service in the City of Vancouver.* This decision covered 21 applications that were received in 2011/12 and decided in 2012/13. The following inset highlights these decisions.

PEAK PERIOD TAXI APPLICATIONS – THE "OMNIBUS DECISION"

Last year's *Annual Report* noted that 21 applications were not decided within the reporting period. These were applications to address peak period taxi service in the City of Vancouver. On October 2, 2012 the Board issued an omnibus decision on all 21 applications. This decision is published in the Board's Weekly Bulletin on October 3, 2012.

The Applications

Seventeen taxi licensees based outside the City of Vancouver ("suburban taxi applicants") applied to the Board to operate up to 15% of their fleets, for a total of 124 vehicles, in Vancouver during peak periods. Four licensees based in the City of Vancouver ("Vancouver taxi applicants") applied to add, collectively, 99 vehicles to operate during peak periods on weekend evening and high volume days.

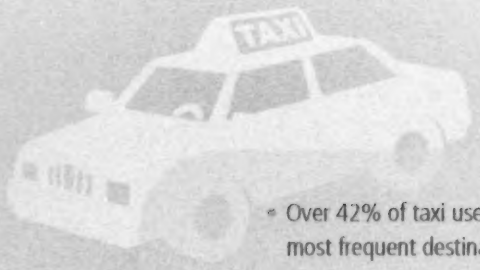
The Decisions

The Board approved 137 taxis in total to operate in the *Downtown Vancouver Entertainment District* on weekend evenings.

- **38** vehicles from existing suburban taxi fleets were approved operate in the Downtown Vancouver Entertainment District on Friday/Saturday and Saturday/Sunday from 10 p.m. to 5 a.m.
- **99** additional Vancouver taxis were approved to operate in the City of Vancouver on Friday/Saturday and Saturday/Sunday from 3 p.m. to 6 a.m. The Vancouver taxi companies may also use their 99 additional vehicles on heavy traffic days at cruise ship terminals, Celebration of Light and other special occasion or event days.

Key Findings

- The decision noted a 2012 *Report on Peak Demand and Taxi Supply in Vancouver's Downtown Entertainment District,* by Dr. Garland Chow, a UBC professor. This report was commissioned by the Vancouver taxi companies. It provided empirical evidence of demand for taxis on weekends in Downtown Vancouver. Findings in the report include:
  - The busiest period of taxi demand is between 1:00 a.m. and 4:00 a.m. in the Downtown Vancouver Entertainment District on weekends



- Over 42% of taxi users went to a destination outside of Vancouver, with Burnaby the most frequent destination, followed by North Shore and Richmond
- During peak periods, most taxi trips are those where a passenger hails or flags a taxi from the street (as opposed to phoning a taxi company)
- In April 2011, 21% of people surveyed reported that a driver had not allowed them to board a taxi. In October 2011, trip refusals were reported by 17% of survey respondents
- Between 11.92 and 8.84% non-Vancouver taxis were observed with taxi service lights on in the Downtown Vancouver Entertainment District in April 2011 and November 2011 respectively

- The Board approved suburban taxi companies that demonstrated they have excess capacity to re-allocate taxis to the Downtown Vancouver Entertainment District on Friday/ Saturday nights
- Suburban companies that have excess capacity would be in a position to serve their home markets and the Downtown Vancouver Entertainment District
- The approval of suburban taxis to operate in the Downtown Vancouver Entertainment District is innovative and may, initially, result in some adjustments in the provision of service as well as enforcement and compliance activities. The Board restricted operation of suburban taxi vehicles to a specific area (Downtown Vancouver Entertainment District) and specific times (weekend evenings)

NOTE: On December 3, 2012, the four Vancouver taxi companies filed a petition in the Supreme Court of British Columbia for a judicial review of the omnibus decision.

Decided Applications by Regional District 2011/12 and 2012/13[2]

Regional District	# of Decided Apps 2011/12	# of Decided Apps 2012/13	Regional District	# of Decided Apps 2011/12	# of Decided Apps 2012/13
Alberni-Clayoquot	2	1	Kootenay-Boundary	2	0
Bulkley-Nechako	3	1	Metro Vancouver	21	129
Capital Regional District	17	11	Nanaimo	7	3
Cariboo Regional District	3	1	North Okanagan	1	0
Central Coast	0	0	Northern Rockies	0	3
Central Kootenay	1	3	Okanagan-Similkameen	9	1
Central Okanagan	3	6	Peace River	4	4
Columbia Shuswap	4	1	Powell River	0	1
Comox Valley	2	0	Skeena-Queen Charlotte	2	1
Cowichan Valley	1	1	Squamish-Lillooet	1	4
East Kootenay	0	0	Strathcona	1	0
Fraser Vailey	3	5	Sunshine Coast	1	0
Fraser-Fort George	6	4	Thompson-Nicola	8	6
Islands Trust	0	0	Multi Regional or Extra Provincial	0	2
Kitimat-Stikine	0	2			

2 Excludes temporary operating permits and applications where the Registrar asked the Board to determine whether the application was for a licence with a general or special authorization.

POST DECISION MATTERS

	Totals	Ave. Days to Decision
Judicial Reviews Concluded	0	
Licence Decisions Amended	4	
Reconsiderations Proceeded & Decided	1	4
• Confirmed		
• Rescinded		
• Varied	1	
Reconsiderations Not Proceeded	10	58
• Grounds not established		
• Withdrawn		

There were no judicial reviews of the Board's decisions in 2012/13 although two petitions were filed. Four (4) decisions were amended to correct clerical or technical errors.

Eleven (11) reconsideration requests were received in 2012/13. The Board may reconsider, vary or rescind a decision if the Board is satisfied that (a) information has become available that was not available at the time the decision was made, or (b) there has been an error in procedure.

One (1) decision was reconsidered by the Board and varied. Ten (10) reconsideration requests did not proceed as the Board was not satisfied that grounds for reconsideration were established.

Performance Measures 2012/13

The Board has two sets of performance targets: "low" and "high". The low target represents the most efficient processing times, with no delays by applicants, submitters or the Board. The high target factors in delays that may occur in the application process.

The Board reviews performance results at each Board meeting. The Board strives to improve its performance and timelines.

Reporting Constraints – Board database reports are based on the date an application is received. If a report is compiled for a particular time period, the reports will provide performance results only for applications that were received during this period and decided or closed at the time the database report is compiled or accessed. There were no outstanding application decisions for 2012/13 at the time of writing this report.

Reporting Timelines – These are the total number of days that an application was in process with the Board. This includes times when the application is inactive pending publication or receipt of further information. Most applications have a 15 day publication period. If submissions are received, applicants have 10 days to reply. With public hearings, the reported timelines include adjournments and continuations.

PERFORMANCE TARGETS

Process and Track Application Files	Low Target # days	High Target # days
File Review	89 or less	90 - 156
Board Investigation	113 or less	114 - 192
Registrar	117 or less	118 - 205
Registrar Investigation and Hearing	197 or less	198 - 331
Hearing	178 or less	179 - 293
Urgent Public Need (UPN)	37 or less	38 - 75
Temporary Operating Permits (TOPs)	15 or less	16 - 30

APPLICATION PROCESSING TIMES IN RELATION TO PERFORMANCE TARGETS 2012/13[3]

	# Board Decisions	Average # of days to a decision[4]	% within low target	% within high target	% over high target
Application Files Received					
File Review	158	168	**34**	**8**	**58**
Board Investigation (BI)	9	70	**89**	**11**	**0**
BI and Hearing	0	0	**0**	**0**	**0**
Registrar Investigation	0	0	**0**	**0**	**0**
Hearing	0	0	**0**	**0**	**0**
Urgent Public Need UPN[5]	5	39	**80**	**0**	**20**
Temporary Operating Permits (TOPs)	45	16	**67**	**18**	**15**

The Board seeks to process at least 75% of all applications within the low target timeframe. The Board achieved this in 2 out of 4 categories.

The processing times for the file review category is an anomaly in that , unlike most previous years, the Board did not achieve its goal of processing 75% of the applications within the low target. This is attributable, in part, to the 88 applications from individual drivers as well as a driver co-op to operate peak period taxis in Vancouver on weekend evenings and special days. A two person panel considered all these applications at the same time. However, all applications were not received or published at the same time. Some were received in July and August 2012 and others were received in September or October 2012. As well, during this time period a 3 person panel of the Board was finalizing its decisions on 17 suburban taxi company applications and 4

3 These results were based on applications received between April 1, 2012 and March 31, 2013 and closed by July 24, 2013 when the data was compiled.

4 These timelines are from when an application is received at the Board office until adecision letter is sent to an applicant, andmay include times when response times are not in the Board's control.

5 A "UPN" is an application that the board determines should be porcessed on the basis of "urgent public need". These applications are not published and submissions are not silicited. Most "UPNs" are processed on the basis of a file review.

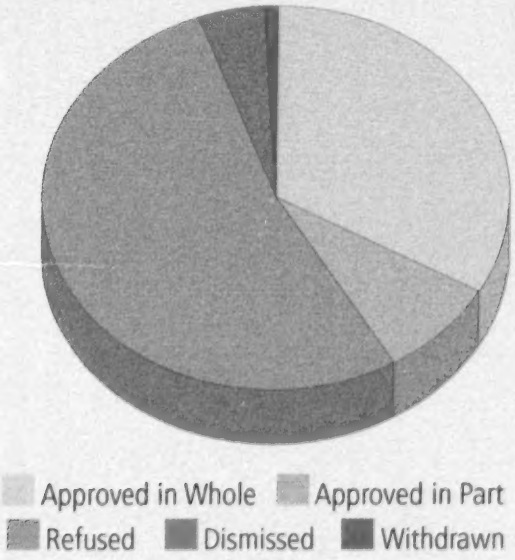
Vancouver taxi applications to provide peak period taxi service in the City of Vancouver. In October 2012, the Board published an inter-city bus application that proposed changes to 16 routes. Although this is tracked as a "file investigation" there is an extended public comment process. A panel of two Board members reviewed this file.

TOP processing times were also below norm. This is attributable, in part, to the Board's consideration of sets of TOPs for peak periods taxi service in the City of Vancouver.

The Board also processed 11 Festive Season TOPs. These are not included in the chart above. Most were processed in one day or less.

The processing time for UPNs was skewed as a final decision on one application was delayed for about 5 months pending a decision by another branch of government with respect to vehicle suitability for licensing. In the meantime, the Board had issued a preliminary decision with respect to a portion of the application.

Board Decisions by Outcome



APPEALS

The Board hears appeals from licensees who have received an administrative penalty from the Registrar of Passenger Transportation. There no appeals filed in 2012/13.

Appendix 1: Board Members, Staff & Budget

BOARD MEMBERS

Board members make decisions on applications and appeals.

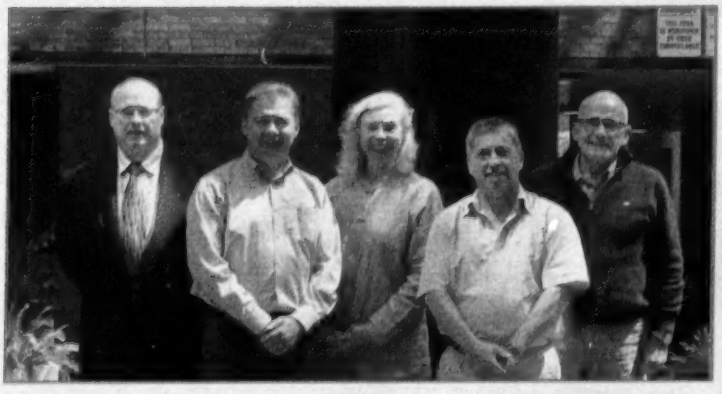
The Board is appointed by Cabinet. The *Passenger Transportation Act* says that there must be at least 3 Board members. One member must be designated as Chair.

Appointment processes and terms are governed by the *Administrative Tribunals Act*. Under this Act, the Chair may, after consultation with the Minister, appoint an individual to be a Board member for a term of up to 6 months.

The Cabinet appointment of Tracy Gray ended on April 1, 2012. The Chair of the Board extended the appointment of Tracy Gray for one month. Her term ended on April 30, 2012.

The Board had 6 meetings in 2012/13. Four meetings were one day and two meetings were 2 days. All Board members attended the meetings, although one member could only attend a ½ day meeting in November, 2011.

In 2012/13, three Board members participated in a performance evaluation process.



2012/13 BOARD MEMBERS

Member		Appointed by	Initial Appointment Effective	Term Expiry Date
	Don Zurowski Chair	Cabinet	January 1, 2010 (member) September 1, 2011 (Chair)	September 30, 2014
	William (Bill) Bell	Cabinet	February 2, 2008	December 31, 2013
	Brenda Brown	Cabinet	December 31, 2008	December 31, 2013
	Roger Leclerc	Cabinet	November 8, 2012	December 31, 2014
	Spencer Mikituk	Cabinet	March 29, 2012	March 29, 2014
	Tracy Gray	Chair	April 1, 2012	April 30, 2012

BOARD STAFF

The Board is supported by a staff of 4 full-time employees who work out of the Board office in Victoria. Staff handle the administrative functions of the Board, undertake policy initiatives and respond to inquiries from applicants and the public.

(Right to Left)

Jan Broocke *Director and Secretary*

Michael McGee *Manager, Policy and Communications*

David Watling *Appeals and Operations Coordinator*

Kathy Mitten *Administrative and Research Coordinator*

BOARD CONTACT INFORMATION

Mailing Address: PO Box 9850 STN PROV GOVT
Victoria, British Columbia, V8W 9T5

Street Address: 202 - 940 Blanshard Street
Victoria, British Columbia

Phone: 250-953-3777

Facsimile: 250-953-3788

Website: www.ptboard.bc.ca

PASSENGER TRANSPORTATION BOARD BUDGET

	2012/13	
Budget Category	**Allocation**	**Expenditure**
Salaries	251,000	248,837
Benefits	58,000	57,233
Board Per Diems and Travel	140,000	172,290
Staff Travel	11,000	3,927
Professional Services – Operational	3,000	2,515
Information Systems – Operating	9,000	3,062
Office and Business Expenses	14,000	11,095
Stat. Advertising and Publications	1,000	0
Amortization	3,000	1,020
Other Expenditures	1,000	0
Recoveries – Within Government	(1,000)	0
Recoveries – External, Misc.	(1,000)	0
Total	489,000	499,979

Appendix 2: Board Goals and Objectives

GOAL A

Policies contribute to a commercial, small passenger vehicle and inter-city bus industry that:

- serves the public
- is run by capable licensees
- is economically sustainable

OBJECTIVES	Board policies facilitate: 1. a dynamic, innovative and healthy industry 2. licensing of responsible, competent and accountable persons or companies 3. diversity of service options and; 4. responsiveness to market conditions and relevant legislation.
STRATEGIES	Guide policy development by: 1. Initiating contact with licensees and other stakeholders on priority and emerging issues in the commercial passenger transportation industry 2. Identifying social trends and developments relative to commercial passenger transportation 3. Assessing relevant legislation and policies 4. Monitoring or linking to other strategic planning processes involved with transportation in BC

GOAL B

Board processes are clear and relevant

OBJECTIVES	Processes are efficient, effective and administratively fair
STRATEGIES	1. Evaluate Board application processes from an internal and an external perspective 2. Modify application processes to improve timelines, public access to materials and increase efficiency

GOAL C

Board facilitates, and participates in, communications with stakeholders

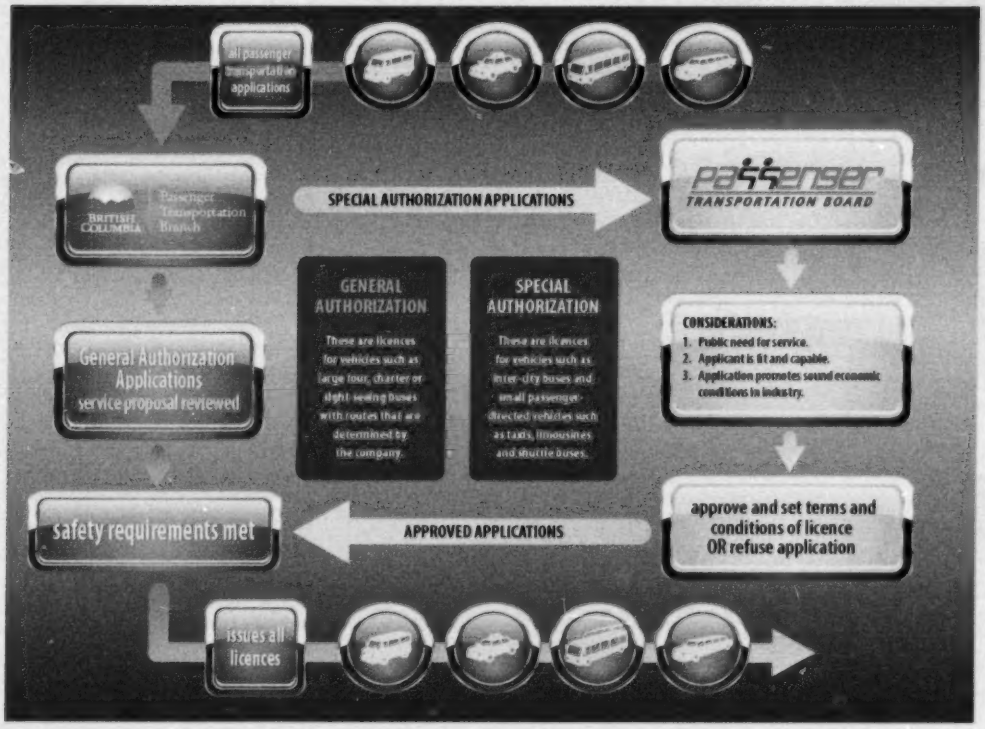
OBJECTIVES	Board communications are effective and meaningful
STRATEGIES	1. Enhance accessibility of information by: (a) Organizing and presenting online information so it is user centered, related materials are centralized in a single place, and stakeholders can find, understand and use what is important (b) Making information available to stakeholders and the interested public on the PT Board mandate. (c) Using technology to communicate more proactively with stakeholders 2. Maintain openness to stakeholder input on Board initiatives and policy changes by (a) Considering stakeholder perspectives when changing Board policy (b) Monitoring multiple communications channels to stay current with stakeholder issues and concerns 3. Maintain a productive working relationship with the Passenger Transportation Branch

GOAL D

Board governance that leads to organizational excellence

OBJECTIVES	The Board: (a) fosters a culture of professionalism and fairness (b) evaluates its performance (c) seeks continual improvement (d) is accountable to government and the public.
STRATEGIES	1. Board members and staff adhere to principles of administrative justice and strive for consistency in all processes. 2. Board members and staff have access to ongoing training and learning opportunities in administrative justice and other subjects that are needed to fulfill Board operational and governance responsibilities. 3. The Board evaluates its performance against targets. 4. Board fulfills its obligations as per the MOU between the Chair and the Minister. 5. Budget is managed in accordance with government legislation and policies

Appendix 3: Diagram of Commercial Passenger Vehicle Licensing Process


all passenger transportation applications
BRITISH COLUMBIA Passenger Transportation Branch
SPECIAL AUTHORIZATION APPLICATIONS
passenger TRANSPORTATION BOARD
GENERAL AUTHORIZATION
These are licences for vehicles such as large tour, charter or sight-seeing buses with routes that are determined by the company.
SPECIAL AUTHORIZATION
These are licences for vehicles such as inter-city buses and small passenger-directed vehicles such as taxis, limousines and shuttle buses.
CONSIDERATIONS:
1. Public need for service.
2. Applicant is fit and capable.
3. Application promotes sound economic conditions in industry.
General Authorization Applications service proposal reviewed
safety requirements met
APPROVED APPLICATIONS
approve and set terms and conditions of licence OR refuse application
issues all licences

Appendix 4: Responsibilities of the Registrar of Passenger Transportation and the Passenger Transportation Board

The *Registrar of Passenger Transportation* leads the *Passenger Transportation Branch*.

The *Branch*:

- Accepts all licence applications
- Makes decisions on applications for General Authorization licences
- Issues all passenger transportation licences
- Works with Commercial Vehicle Safety and Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers
- Manages an administrative penalty scheme for licensees who are not in compliance with their terms and conditions of licence

The *Passenger Transportation Board*:

- Decides:
  - applications for new taxis, limousines and inter-city bus licences
  - licence transfer and amendment applications for taxis, limousines and inter-city buses
  - additional vehicle and rate change applications for taxis and limousines
- Publishes
  - Applications and Decisions
  - Rules and Policies
  - Industry Advisories and Updates
  - Application Handbook and other reference materials
- Hears appeals of administrative penalties imposed by the Registrar

Appendix 5: Definitions of Vehicles Requiring a Special Authorization

INTER-CITY BUSES (ICBs)

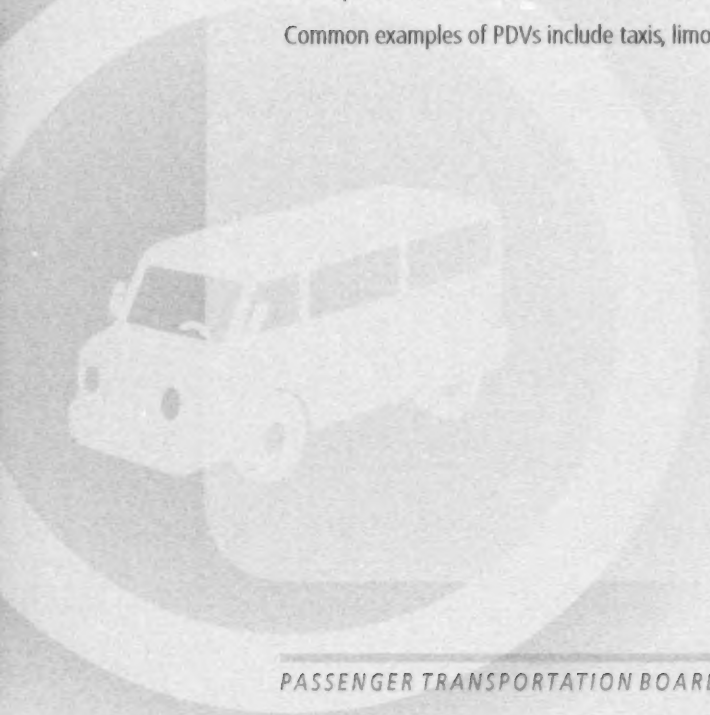
- Operate on set time schedules between municipalities (other than those in the GVRD or CRD)
- For individual fares
- Over a regular route
- Between fixed terminating points, picking up and dropping off passengers at intermediate points, as necessary

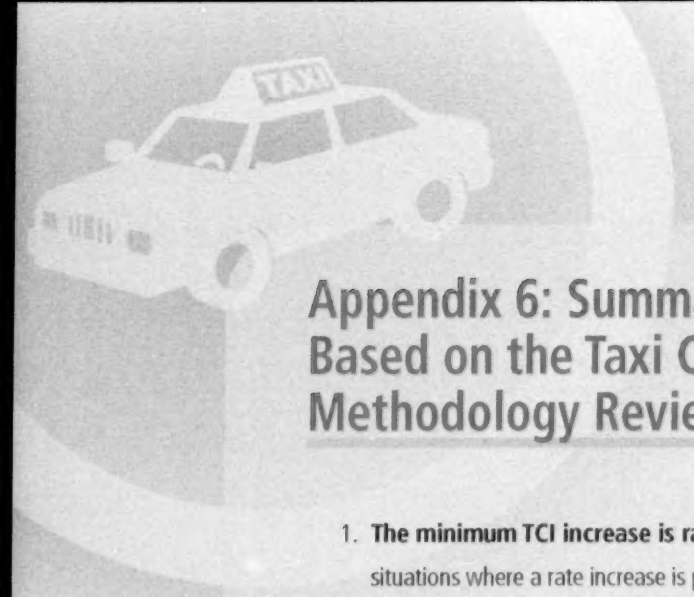
A common example is a private bus service operated on a schedule between 2 or more cities. Inter-city buses are not public transit buses.

PASSENGER DIRECTED VEHICLES (PDVs)

- Carry a driver and not more than 11 passengers
- Operate to and from locations determined by the passengers

Common examples of PDVs include taxis, limousines and shuttle vans.





Appendix 6: Summary of Board Decisions Based on the Taxi Cost Index Methodology Review

1. **The minimum TCI increase is raised to 2%.** This minor adjustment prevents situations where a rate increase is perceived as too low to justify the cost of changing and re-sealing a meter, especially in larger population centres.

2. **End of Temporary Fuel Surcharges.** Now that the Board reviews TCI data every year, instead of every two years, the temporary fuel surcharge and extra implementation steps are no longer needed.

3. **Annual Data Review.** The Board concluded that annual review of TCI data each Spring is an appropriate and practical frequency despite a recommendation for reviews twice per year.

4. **Provincial TCI.** Despite interest in a Regional TCI, the Board concluded that the current-provincial approach is the most effective, efficient and fair in the British Columbia context.

5. **TCI Implementation in Common Rates Areas.** Taxi companies in the Lower Mainland and CRD asked the Board to look at the way TCI increases are approved in common rate areas. It looked at whether a vehicle-weighed approach would be more or less equitable. It is making a change in Metro Vancouver and the Fraser Valley because a vehicle-weighted approach would more equitably distribute influence over TCI implementation decisions in these areas.